IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8306 OF 2004

Gangai Shikshan Prasarak Mandal
Pandharpur & Anr. ...Petitioners

Versus

Kum. Ranjana Shrimant Gosavi
and Anr. ...Respondents

.....

Mr. Nitin Jamdar counsel for Petitioners

Mr. Jagdish G. Keddy and Mr. Subhash V. Mohite counsel for Respondent No.1.

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CORAM: B. H. MARLAPALLE, J.

DATED: 17TH JANUARY, 2005

P.C.:-

1. Heard Mr. Jamdar, the learned counsel for petitioners who are aggrieved by an interlocutory order passed by the Ist Labour Court, Solapur holding that the complaint (ULP) No. 199/99 filed by the present respondents was maintainable. They challenged the said order in Revision (ULP) No. 69/2003 before the Industrial Court at Solapur.

2. The respondent No.1 was employed as a Clerk from 23.6.1994 and she was removed from service w.e.f. 15.7.1997. Being aggrieved by the termination order, she approached the Labour Court by filing a complaint

(ULP) under Section 28(1) r.w. Item 1 of Schedule IV of MRTU and PULP Act, 1971. Mr. Jamdar has relied upon some judgments in support of his contentions that the respondent No.1 had only remedy of appeal under Sections 9 of M.E.P.S. Act, 1977 and the complaint filed by her before the Labour Court was not tenable. These submissions could be accepted only if the respondent No.1 was the member of teaching faculty and not otherwise. The bar implied or expressed contemplated under the M.E.P.S. Act, 1977 would not come in the way of the respondent from filing the complaint under Unfair Labour Practice Act to challenge the order of termination before the Labour Court. The judgments relied upon by Mr. Jamdar are not applicable to the facts of the present case in as much as the respondent was not a member of teaching staff. The view taken by both the Courts below does not call for any interference under Article 227 of the Constitution of India.

3. Petition is, therefore, rejected summarily.